

# **Title of report: Executive response to recommendations made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021**

**Decision maker: Cabinet member environment**

**Decision Date:**

**Report by: Head of environment, climate emergency and waste services, Service Manager Built and Natural Environment, Sustainability & Climate Change Manager**

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose**

To approve the executive response to the reports from the Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021.

## **Recommendation(s)**

**That:**

- a) **The response to the Environment and Sustainability Scrutiny Committee's recommendations regarding River Water Pollution and Implementing the Environment Act 2021, as attached at appendix 1 and 2 are approved.**

## **Alternative options**

1. None proposed; it is a Constitutional requirement to provide a response to recommendations made by Environment and Sustainability Scrutiny Committee. It is open to the executive to accept,

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Further information on the subject of this report is available from  
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partially accept or reject a recommendation from Scrutiny Committee, should a recommendation not be accepted an explanation should be provided.

## **Key considerations**

2. The Environment and Sustainability Scrutiny Committee met on 25 September 2023 to discuss river water pollution and made five recommendations. These recommendations are addressed in appendix 2.
3. The Environment and Sustainability Scrutiny Committee met on 27 November 2023 to discuss the 'Executive response to recommendations made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021' and made six recommendations. These recommendations are addressed in appendix 1.

### **River Water Pollution**

4. The rivers Wye ("the Wye") and Lugg ("the Lugg") are considered important in terms of nature conservation due to their aquatic habitats and species. Both contain Special Areas of Conservation ("SACs") and both are Sites of Special Scientific Interest ("SSSIs").
5. Phosphate ("P") limits are being exceeded at 31 points in the river catchment. This has arisen from both point-source P releases from Waste Water Treatment Works ("WWtW") and diffuse pollution from agricultural practices.

### **Environment Act 2021**

6. The Environment Act 2021 (The Act) received Royal Assent on 9 November 2021 and operates as the UK's new framework of environmental protection. Given that the UK has left the EU, new laws that relate to nature protection, water quality, clean air, as well as additional environmental protections that originally came from the EU, needed to be established. The Environment Act allows the UK to enshrine some environmental protection into law, it offers new powers to set new binding targets.
7. The priority areas are:
  - a. air quality;
  - b. water;
  - c. biodiversity; and
  - d. resource efficiency and waste reduction.
8. The Act introduces a new framework for setting long-term, legally binding targets for environmental improvement. These targets will sit with the Secretary of State.
9. The Act legally obliges policy-makers to have due regard to the environmental principles policy statement when making policy decisions.

## **Community impact**

10. The work to progress the restoration of the River Wye and River Lugg will positively contribute to the following ambitions within the County Plan 2020-2024.

- a. Protect and enhance the county's biodiversity, value nature and uphold environmental standards through "River Betterment."
  - b. Seek strong stewardship of the county's natural resources.
  - c. Invest in low carbon projects
  - d. Support an economy which builds on the county's strengths and resources
  - e. Develop environmentally sound infrastructure that attracts investment
  - f. Spend public money in the local economy wherever possible
11. Farming, agriculture, home building and tourist industries as well as resident access to countryside leisure amenity are all essential to the vibrancy and life of rural communities. The restoration of the River Wye Catchment will enable help assure the vibrancy and future prosperity of all our communities.
12. The Environment Act supports improvements that will benefit all who reside and visit the county by improving air quality and water quality, protecting local nature and reducing waste. Improvements in these areas will positively contribute towards the delivery of the Council's County Plan (2020-24), specifically the following success measures:
- a. Increase flood resilience and reduce levels of phosphate pollution in the county's river.
  - b. Improve the air quality within Herefordshire.
  - c. Improve residents' access to green space in Herefordshire.

## **Environmental Impact**

13. The River Wye and River Lugg are considered important in terms of nature conservation, as a consequence both rivers are designated as Sites of Special Scientific Interest (SSSI). In addition the lower stretch of the River Lugg; from Hope under Dinmore, along with the River Wye are also designated as a Special Area of Conservation ("SAC") under the European Community Habitats Directive (Council Directive 92/43/EEC).
14. The special features for which the River Wye is designated include a range of aquatic habitats and species. Improving the water quality will support the council's commitment to address the climate and ecological emergency through the protection and enhancement of these, and other important wildlife habitats.
15. The Integrated Wetlands project has been designed to enable Nutrient Neutral Development in the River Lugg SAC by enabling nutrient neutral development and to provide a net river betterment. The net improvement to the river quality will be delivered through the reservation of 20% of the phosphate credits for the river betterment.
16. In addition to improving water quality in the River Lugg, the wetlands will also support the Council's commitment to address the climate and ecological emergency as the wetlands will also become excellent wildlife habitats and will help to sequester local carbon emissions.
17. The Environment Act supports the County Plan's ambitions to:
- a. Seek strong stewardship of the county's natural resources

- b. Protect and enhance the county's biodiversity, value nature and uphold environmental standards
- c. Build understanding and support for sustainable living
- d. Develop environmentally sound infrastructure that attracts investment

## **Equality duty**

18. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
19. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.
20. Environmental inequalities tend to disproportionately adversely impact areas of deprivation and those with lower household income<sup>1</sup>. The Act supports the commitments outlined in the Council's Environmental policy which are outlined under community impact.

## **Resource implications**

21. There are no resource implications associated with agreeing the content of this report as the Executive response provides information and indicates how the work is being taken forward. Where further decisions are required upon completion of the recommendations, any resource requirements will be considered in future reports.

## **Legal implications**

22. Scrutiny committees have the power to review, influence policy or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive, and to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area. The remit of the Environment and Sustainability Scrutiny committee is to scrutinise the:
- a. Core strategy

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<sup>1</sup> <https://www.gov.uk/government/publications/state-of-the-environment/the-state-of-the-environment-the-urban-environment>

- b. Waste & recycling
- c. Travel incl. active travel
- d. Climate & ecological emergency
- e. Climate and nature impact assessment on infrastructure proposals
- f. Environmental and energy efficiency standards
- g. Nature strategy - Stewardship of natural resources & green spaces
- h. Integrated wetlands & water quality and,
- i. Statutory flood risk management scrutiny powers

## Risk management

23. The risks and mitigation are summarised below:

Risk / opportunity	Mitigation
Phosphate pollution	<p>The proposed recommendations support the Council's commitment to reduce levels of phosphate pollution and to restore the river to a favourable condition.</p> <p>These actions will further support the existing activity through the Nutrient Management Board, Cabinet Commission and the Council's Phosphate Mitigation strategy.</p>
Environment Act 2021	Delivering the Council's obligations under the Environment Act 2021 are a statutory function and are already resourced within existing resources.
Additional resource costs to deliver the executive response	The recommended actions will be delivered within existing resources

## Consultees

24. The legal and Constitutional issues are explained in other parts of this report. This decision will form the response of the Executive function to the recommendations from Overview & Scrutiny.

## Appendices

- Appendix 1 for Executive response to recommendations made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021.
- Appendix 2 for Executive response to recommendation made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021.

## Background papers

- None identified.

## Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 12/04/2024
Finance	Karen Morris	Date 23/04/2024
	Judith Tranmer	Date 12/04/2024
Legal	Sean O'Connor	Date 11/04/2024
Communications	Luenne Featherstone	Date 11/04/2024
Equality Duty	Harriet Yellin	Date 19/04/2024
Procurement	N/A	Date N/A
Risk	Lindsay Lord	Date 14/05/2024
Approved by	Ross Cook	Date 16/05/2024

## Glossary

- Environment Act 2021 (The Act)
- European Union (EU)
- Phosphate (P)
- Sites of Special Scientific Interest (SSSIs)
- Special Areas of Conservation (SACs)
- United Kingdom (UK)
- Waste Water Treatment Works (WWtW)